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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,329	02/09/2004	Yoav Dror	P-6421-US	8949

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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,329	<b>Applicant(s)</b> DROR, YOAV	
	<b>Examiner</b> Tri M. Mai	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
     4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. Claims 3-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth.

2. Claims 1, 2, and 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "Structure able" is not idiomatic.

Regarding claim 9, it is believed that the claim is dependent on the wrong claim.

Regarding claim 11, "and or more" is grammatically incorrect.

3. Claims 1, 8, 9, 10 and 13 are rejected under 35 U.S.C. 102 (b) as being anticipated by Weissman et al. (6135253). Weissman teaches a luggage having a flexible collapsible compartmented interior structure able to fit when in a collapsed state into an interior of the luggage to be transformed from the collapsed state (Fig. 3) into a temporary sturdy expanded state when the luggage is open (Fig. 1) as claimed.

Regarding claim 2, the term "compartmented flexible interior arrangement" require only one compartment and flexible portion 20 has one compartment as claimed.

Regarding claim 10, the locking mechanism is the closure of the luggage locking the flexible interior structure into place.

Regarding claim 13, the recitation "is able to be removed" is broad. It is noted that the interior structure is removable as claimed.

4. Claims 1, and 8-13 are rejected under 35 U.S.C. 102 (e) as being anticipated by Platte, III, (D501601) or in the alternative, over Platte, III. Platte teaches having a flexible collapsible

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compartmented interior structure able to fit when in a collapsed state into an interior of the luggage to be transformed from the collapsed state (Fig. 9) into a temporary sturdy expanded state when the luggage is open (Fig. 10) as claimed.

With respect to the limitation "a flexible collapsible compartment", it is noted that arrangement in Platte is flexible as claimed, i.e., it is noted of the flexible upper portion, including flexible portion adjacent the telescoping portions for shielding the trays from the telescopic portions.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the upper portion including the straps, the upper portion, the shielding between the trays and the telescopic portions from flexible material to provide the desired material for these elements.

5. Claims 1, 2, and 13 are rejected under 35 U.S.C. 102 (b) as being anticipated by Silverman (2657726). Silverman teaches convertible luggage having a flexible collapsible compartmented interior structure as shown in Fig. 4.

Regarding claim 2, note the support walls 10a.

6. Claims 1, 2, and 11-13 are rejected under 35 U.S.C. 102 (e) as being anticipated by Dullin (6910560). Dulling teaches a convertible luggage having a flexible collapsible compartmented interior structure as shown in Fig. 9.

Regarding claim 2, the support mechanism comprises the fastening devices holding the structure in the expanded position.

Regarding claim 12, note the handle 62.


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7. Claims 1, 2, 8, 9, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Watson (668864). Watson teaches a convertible luggage having a flexible collapsible compartmented interior structure as shown in Fig. 1 with telescoping support.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai   
Primary Examiner  
Art Unit 3727